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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 03.12.2025*

\+ **CM(M) 2348/2025, CM APPL. 75981/2025 & CM APPL. 75980/2025**

ADS CIVIL AND INTERIORS PVT LTD .....Petitioner
Through: Mr. Rajiv Bakshi and Mr. Pranav Pareek, Advocates

versus

AUSTVINAYAK PLYWOODS .....Respondent
Through: None.

CORAM: JUSTICE GIRISH KATHPALIA

O R D E R (ORAL)

1. Petitioner has assailed order dated 25.10.2025 of the learned trial court and also the observations recorded in the course of chief examination of PW-1 as regards the updated statement of accounts. The impugned observations overruled the objection of the petitioner/defendant regarding allowing of the updated statement of accounts to be taken on record. Having heard learned counsel for petitioner, I find it not a fit case to even issue notice.

2. Learned counsel for petitioner/defendant contends that the court observations recorded in the course of chief examination of PW1 was in violation of the procedure established by law, in the sense that no written

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application was filed by the respondent/plaintiff seeking permission to place the additional documents on record along with an explanation for not having filed the same at the initial stage.

3. As reflected from record, in the course of his chief examination when PW1/plaintiff tendered in evidence the documents, objections as regards almost each of those documents were raised from the side of the petitioner/defendant and the learned trial court disposed of those objections. One such document objected to from being taken on record was the updated statement of accounts, numbered as Ex. PW1/C. The moment it was tendered, learned counsel for petitioner/defendant objected to the same on the ground that although the said updated statement of accounts was filed along with an application under Order VI Rule 17 CPC but the said updated statement of accounts was not formally taken on record in order dated 05.08.2025. The learned trial court rejected the objection in the course of testimony of PW1, holding that the application under Order VI Rule 17 CPC having been allowed to amend the plaint, the natural corollary was filing the updated statement of accounts.

4. Admittedly, the updated statement of accounts was filed along with the application seeking amendment of the plaint. Also admittedly, the amendment of the plaint was allowed and for that exercise, even cost was imposed and accepted by the petitioner/defendant. It is also nobody's case that the said updated statement of accounts is not relevant to the suit.

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5. That being so, in my view there was nothing wrong in accepting the updated statement of accounts. The impugned observations of the learned trial court are perfectly sustainable and are upheld.

6. So far as the order dated 25.10.2025 is concerned, it appears that during continuance of plaintiff's evidence, when the matter was adjourned for summoning of an official witness, the learned trial court allowed the oral request of the plaintiff to summon and examine one Ms. Nancy Gupta as a witness, to which learned counsel for petitioner/defendant raised an objection that she was not named in the list of witnesses. The learned trial court rejected the objection, observing that Ms. Nancy Gupta was being summoned in view of cross-examination of PW1. The said summoning was allowed subject to cost, to be paid by the respondent/plaintiff to the petitioner/defendant.

7. As regards order dated 25.10.2025, the only contention of learned counsel for petitioner is that Ms. Nancy Gupta having not been named in the list of witnesses, request to summon her could not be allowed. Learned counsel for petitioner/defendant alleges that the learned trial court is not proceeding in accordance with law at every stage, though the petitioner/defendant has opted to assail only the two aspects discussed in this order.

8. The scope of jurisdiction under Article 227 of Constitution of India is extremely narrow in the sense that the High Court cannot interfere in every

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order passed by the trial court. It is only where an order suffers perversity, that it can be interfered under Article 227 of the Constitution of India. A perverse order is that order, which no reasonable man would pass in a given situation.

9. In the present case, as mentioned above, summoning of Ms. Nancy Gupta was allowed by the trial court keeping in mind the cross-examination of PW1. Admittedly, this is not a case where the trial has proceeded further after closure of evidence of the respondent/plaintiff. That being so, I find no infirmity, much less any perversity in the impugned order.

10. In view of above discussion, the present petition is found not just devoid of merits but completely frivolous and it appears that the petitioner/defendant is trying to protract the suit. Therefore, the petition and the accompanying applications are dismissed with costs of Rs. 10,000/- to be deposited by the petitioner/defendant with DHCLSC within one week. Copy of this order be sent to the learned trial court forthwith.

GIRISH KATHPALIA

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(JUDGE)

DECEMBER 03, 2025
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